IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1060 (S/S) of 2006

Jagdish Chandra,
S/o Sri Bishan Lal,
R/o Gram Bajeti, P.O. – Degree College,
District _ Pithoragarh,
Presently residing at 4 E, Inder Road,
C/o Narayan Lal Haneri, Dalanwala,
Dehradun. **.....Petitioner**

V e r s u s

1. State of Uttaranchal through its Secretary, Education, Secretariat, Dehradun.
2. District, / Expert Basic Shiksha Adhikari, Tehri Garhwal, New Tehri.
3. Zila Pariyojan Adhidari, Sarv Shiksha Abhiyan, Tehri Garhwal.
4. District Magistrate / President, Zila Shiksha Pariyojna Samiti, Tehri Garhwal.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Smt. Sanjana Madan, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal of behalf of respondents

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 31.03.2006 which Annexure No. 13 to this writ petition passed by respondent no. 2

(b) *issue a writ, order or direction in the nature of Mandamus commanding the respondents to reappoint the petitioner in lieu of his services in the Pariyojna of Sarv Shiksha Abhiyan and to pay him the salary regularly and also to pay the salary for the period of 01.04.2006 to 31.05.2006 which is in continuation till 2010.*

(c) *issue other relief which this Hon'ble Court may deem fit and proper in the circumstances may also be awarded to the petitioner and also to award the cost of the petition.*

Petitioner is aggrieved by order dated 28.02.2006 passed by respondent no. 2 by which the petitioner has been informed that his engagement will come to an end on 31.03.2006 in view of the fact that DPEP III scheme under which petitioner along with other persons were engaged will come to an end on 31.03.2006.

The submission of the petitioner is that petitioner is working under the aforesaid project known as DPEP III vide order dated 21.08.2000 passed by respondent no. 2. The said engagement was not on contract basis, as stated in the impugned order.

I have perused the appointment order. It is true that appointment of the petitioner in aforesaid project was not on contract basis, however, the appointment order specifically states that on coming to end of the project, decision in respect of petitioner shall be taken in accordance with the directions issued by the Office of State Project.

Learned counsel for the petitioner has submitted that petitioner is working in Sarv Shiksha Abhiyan with effect from

2003 and the salary is being paid by the Sarv Shiksha Abhiyan and the project of the Sarv Shiksha Abhiyan is still continuing in the State of Uttaranchal.

I do not find any infirmity in the impugned order 31.03.2006 passed by respondent no. 2, however, in case, the project is still continuing as stated by the petitioner, petitioner may make representation before Director, Sarv Shiksha Abhiyan, / Director, School Education, Uttaranchal within a period of three weeks from today and the Director shall take decision on the representation of the petitioner within a period of six week from the date of production of certified copy of this order along with representation.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 03, 2006
SKSharma